

Washington County Land Use Authority Work Meeting
March 24, 2009

The Washington County Land Use Authority Work Meeting was held on Tuesday, March 24, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present Joann Balen, Debra Christopher, Dave Everett, Kim Ford, Doug Wilson, and Rick Jones. Also present were Planning & Zoning Administrator Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, Todd Edwards, Public Works Department, Senior Planner John Willie, and County Administrator Dean Cox.

Excused: Julie Cropper

Audience attendance: Gary Suppe and Manny Hernandez

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. DISCUSSION ITEM. Review and make recommendations on Land Use Ordinance adoption of Chapter 25: Wind Energy Systems and Facilities to establish minimum requirements and regulations on such systems. County initiated.

The planner explained that this ordinance was drafted for review and consideration of adoption as part of the Zoning Ordinance on wind energy systems. This is taken from the Iron County Ordinances, as discussed approximately nine months ago by the Planning Commission. The commissioners have been asked to review this proposed ordinance before the meeting, be prepared to give input on the ordinance and address whether this should be implemented in the unincorporated areas of the County.

There was a brief discussion about the wind testing that was done at Zion's National Park. There was a lot of wind measured, but it is gusty and not sustained. The wind energy system needs constant, steady winds in order to be successful.

There was a brief discussion regarding the potential zones that a wind energy system could be located. The planner explained that the smallest allowable zone would be RA-5 or an RE-2.5, because of the need for a fall zone. The maximum height would be one hundred feet (100'), but that would be determined by the lot size.

Rachelle Ehlert said that the reasoning is for safety and aesthetics, but other reasons could be determined by the commission. Facts and findings would be appropriate when making that decision.

Todd Edwards, Public Works, said that his understanding is that this would be allowed in any zone as long as there is a single family dwelling on site to use the power.

There was a discussion on limiting the number of systems that would be allowed on an individual lot. The proposed Ordinance states *“used primarily to reduce on-site consumption of utility power (limited to one per lot or parcel, or up to four on agricultural properties - systems with multiple towers may cluster towers/facilities together). A small wind energy system shall not exceed a rated capacity of one hundred kW.”*

There was a discussion about shadow flickers from the blades being a potential problem for drivers, especially at sunrise or sunset. Also, whether the sound level would be an issue for the surrounding neighbors? There was also a brief discussion about signs, but they would have to abide by County Sign Ordinance.

Lines from the individual poles will go underground, to a collection point, or substation. At that point they will permit overhead transmission lines to off-site destinations.

Chairman Stucki advised that it's important to make careful consideration when reviewing a wind energy system. A commercial venture would need to be examined more thoroughly than an individual just trying to improve their own home. Chairman Stucki cautioned against going too far in either direction when considering approving or denying.

Gary Suppe, New Harmony resident, explained that the decibels (noise sounds) given by the manufacturers are for one (1) unit. If someone has multiple units, the volume will increase. Also, there are problems with birds, especially bats. Because of the different pressures around the spinning blades, their lungs implode.

There was a discussion regarding the need to be aware of permits being issued on federal land, so that County permits will also be obtained when necessary.

Ms. Ehlert reminded the commissioners that any applicant meeting all requirements of a Conditional Use Permit, even if there are issues, as long as those issues are mitigated, the permit has to be issued. Also, there are existing conditions for modifications under the current Ordinance that can be used, perhaps with additional wording. It's important to make findings of fact and show evidence that the decision is not arbitrary and capricious.

Ms. Ehlert asked if the commissioners want to make the proposed ordinance stricter, less strict or the same as written. Commissioner Everett suggested having the same restrictions as gravel pits, such as dust and noise. A provision for maintenance can also be added. Ms. Ehlert said that we should not mandate in every case, but take each individually and make that decision.

Item #2. DISCUSSION ITEM. Review and make recommendations on Land Use Ordinance adoption of Chapter 26: Solar Power Plants to establish minimum requirements and regulations for the use of such energy systems. County initiated

The planner explained that this ordinance was drafted for review and consideration of adoption as a part of the Zoning Ordinance on solar power plants. As suggested by staff, if the commission is reviewing wind energy, they might as well be reviewing solar power, which is taken from Iron County Ordinances. If time permits, the commissioners have been asked to review this proposed

ordinance before the meeting, be prepared to give input on the ordinance and address whether this should be implemented in the unincorporated areas of the County.

There was a brief discussion about this item, and that the wording is almost identical with the proposed ordinance regarding wind energy systems. It was pointed out that this item pertains only to commercial, not private.

Because of the similarity with the previous item, it was determined that no further deliberation was necessary.

Item #3. DISCUSSION ITEM. Review and make recommendations on Land Use Ordinance adoption of Chapter 27: Geothermal Power Plant to establish minimum requirements and regulations for the efficient use of such systems. County initiated.

The planner explained that this ordinance was drafted for review and consideration of adoption as a part of the Zoning Ordinance on geothermal power plants. Staff suggested that geothermal power facilities should be reviewed in conjunction with solar power plants and wind energy systems. This ordinance format is taken from Iron County Ordinances. If time permits, the commissioners have been asked to review this proposed ordinance before the meeting, be prepared to give input on the ordinance and address whether this should be implemented in the unincorporated areas of the County.

The only potential area discussed was Beryl, because the water in the springs is two hundred eleven (211) degrees. Hurricane was mentioned, but the temperature is only one hundred fifteen (115) degrees, therefore not hot enough. At minimum, the water needs to reach boiling temperature.

Currently, Washington County fence ordinance is six (6) feet, and there was some discussion whether to raise the height requirement to eight (8) feet.

Item #4. DISCUSSION ITEM. Review Chapter 23: Water Source Protection Areas and have on file water source protection map for the ordinance. County initiated.

The planner provided a map from the State DEQ, showing water system facilities, non community zones, ground water zones, surface water zones and Navajo sandstone aquifer. The planner explained that copies of daily run out of water from individual systems are available.

Item #5. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on March 17, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planner; Kurt Gardner, Building Official; Darwin Hall, Ash Creek Special Service District Manager; Laurence Parker, Southwest Utah Public Health Department; Rachelle Ehlert, Deputy Civil Attorney; and Randy Taylor, Department of Environmental Quality.

Excused: Ron Whitehead, Public Works Director; Todd Edwards, County Engineer; and Tina Esplin, Washington County Water Conservancy District

CONDITIONAL USE PERMIT EXTENSIONS:

A. Review extension on building a 2nd dwelling for a family member within the A-20 zone northeast of Enterprise. John Alger, applicant

This is the 4th extension. The applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit, and quantity and quality on a private well. Second dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 80 acres. The property is accessed from Hwy. 18 to Mine Rd. (350 East) and onto a prescriptive use road 900 North, generally located northeast of Enterprise and site plan meets all setback requirements. **No permit has been issued as yet, so the staff granted an extension of the Conditional Use for another year, whereas, the initial work that went into applying for the conditional use should be enough to keep the permit active.**

B. Request permission to build a single family dwelling within the A-10 zone east of Washington Fields. Brad Marshall, agent.

This is the 2nd annual review, with the certificate of occupancy being granted on November 18, 2008 by Building Inspector Henry Brannon; Building permit #5853 for the Kim Hafen Residence. The construction on the home meets the requirements of the International Building Codes. Previously, the applicant met the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic feasibility from the Southwest Utah Public Health Department, and a letter from Washington City stating they will serve water. Single family dwellings are conditionally approved within the A-10 zone, with this property containing a total of 16.85 acres. The property is accessed from the Washington Dam Rd. (3471 East), generally located southeast of Washington City and site plan meets all setback requirements. **The staff unanimously approved the Conditional Use Permit, based on permanent status.**

CONDITIONAL USE PERMITS:

A. Request permission for an addition to the Pine Valley Fire Station for the Pine Valley Special Service District (PVSSD) in Pine Valley. Dall Winn, applicant

The planner advised that a discussion item was reviewed by the Planning Commission with a unanimous agreement by members that the planning staff take on the review process for this item to allow for the approvals to be granted by March 17, 2009. The applicant has met the requirements for the site plan, elevations, parking, and septic for the addition, with water and power connections existing. An additional fire hydrant will be added for training purposes. The fire station is located on a nine (9) acre parcel leased from the Forest Service, which has frontage on Main Street in Pine Valley. The PVSSD has just completed the approval process with the Forest Service. The County previously approved a variance to the front yard setback

requirements by waiving 10 feet, due to snow removal and access to bays on the original firehouse, so the PVSSD has designed this addition showing the same setback. **Unanimous decision from staff to recommend approval for a Conditional Use Permit Expansion to the Pine Valley Fire Station for the Pine Valley Special Service District in Pine Valley for a period of one (1) year.**

B. Request permission to install a septic system at the Gold Strike Mine, located in Section 20, T39S, R18W, SLB&M, the drain field would be located over the ‘Hamburg Pit’, which was backfilled with mine overburden materials during initial reclamation of the site. Utah Division of Oil, Gas and Mining/Lynn Kunzler, applicant

The planner explained that currently, the Division has an approval from DEQ for surface discharge from the leach pad. This has allowed for continued water quality monitoring, but also leaves potential liability to the State should anyone use this water. To close the operations, this water needs to be buried (i.e. put in a septic system where the public no longer would have access). Drawings show a 300-gallon septic tank is for settling rust and other solids before entering ADS leach lines. The Division has proposed to DEQ to replace the current metal collection box with a plastic or cement box that would be buried, and install a drain field pipe of approximately 80 feet. **Planning staff felt this project would be correcting a problem, so they approved the septic system based on having DEQ approval.**

Item #6. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on March 17, 2009, beginning at 4:00 p.m. (a) Conditional use extension for a gravel crushing operation within the OST-20 zone in an existing pit along Hwy. 18 in the Diamond Valley area of the County... Diamond Sand & Gravel/Kirk Bastian, applicant; (b) Conditional use extension to excavate and haul from a sandstone quarry in the SW 1/4, NE 1/4, Section 22, T43S, R13W, SLB&M, generally located 4½ miles south of Grassy Meadows Sky Ranch... Feller Enterprises/Allen Feller, agent; (c) Conditional use extension for a bike tour along County routes from Utah Hill, Gunlock to Veyo, Mountain Meadows and back to St. George, as a part of the Cactus Hugger Cycling Festival, Saturday, April 26, 2009... Lucy Ormond/Southwestern Utah Bicycle Touring Association, applicant; (d) Conditional use permit on an LDS Chapel within RE-2.5 zone, within the proximity of Diamond Valley Acres and Paradise Estates... Kim Campbell, agent; (e) Conditional use extension to expand the numbers of youth and staff from 200 to 300 at the Diamond Ranch Academy, 2 miles east of Hurricane, Utah... Rob Dias, applicant; (f) Conditional use to operate a crushing operation and batch plant, Section 11, T40S, R17W, SLB&M, generally located at the Snowfield Ranch Exit... Jason Campbell, applicant and Kurt Allen/Northern Engineering, agent; (g) Conditional use for a charity ride Tour De St. George to be held on Saturday, March 28, 2009. The route will loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George... Tim Tabor, applicant; and (h) Conditional use for an addition to the Pine Valley Fire Station for the Pine Valley Special Service District (PVSSD) in Pine Valley... Dall Winn, applicant.

The planner reported that these items were approved by the County Commission, based on recommendation by the Planning Commission.

Item #7. COMMISSION & STAFF REPORTS. General reporting on various topics. County initiated.

There being no further business at 2:53 p.m., Chairman Stucki adjourned the meeting.

Donna Rasmussen, Planning Secretary